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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 EMILIANO HERNANDEZ-LOMBERA,

13 Defendant.  
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Case No. 2:18-CR-279

ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
EXTEND PRETRIAL  
MOTIONS DEADLINE

15 This matter comes before the Court on defendant Emiliano Hernandez-Lombera's  
16 "Unopposed Motion to Continue Trial and Extend Pretrial Motions Deadline." Dkt. #28. Having  
17 considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, the  
18 Court finds as follows:  
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20 1. The Court adopts the facts set forth in the unopposed motion; specifically, that  
21 defense counsel needs additional time to review and synthesize discovery, perform legal  
22 research, conduct investigations, draft pretrial motions, and consult with and advise defendant,  
23 especially given the discovery protective order currently in place. See Dkt. #27. The Court  
24 accordingly finds that a failure to grant a continuance would deny counsel, and any potential  
25 future counsel, the reasonable time necessary for effective preparation, taking into account the  
26 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).  
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1           2.     The Court finds that a failure to grant a continuance would likely result in a  
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3           3.     The Court finds that the additional time requested between July 22, 2019, and the  
4 proposed trial date of October 7, 2019 is a reasonable period of delay, as defense counsel needs  
5 additional time to review and synthesize discovery, perform legal research, conduct  
6 investigations, draft pretrial motions, and consult with and advise defendant. The Court finds  
7 that this additional time is necessary to provide defense counsel reasonable time to prepare for  
8 trial, considering all the facts set forth above.

9           4.     The Court further finds that this continuance would serve the ends of justice, and  
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,  
11 within the meaning of 18 U.S.C. § 3161(H)(7)(A).

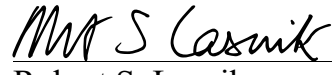
12           5.     Defendant has signed a waiver indicating that he has been advised of his right to a  
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
14 that right and consented to the continuation of his trial to a date up to and including October 21,  
15 2019, Dkt. #29, which will permit trial to start on October 7, 2019, per defense counsel's  
16 request.

17           IT IS HEREBY ORDERED that the trial date be continued from July 22, 2019 to  
18 October 7, 2019.

19           IT IS FURTHER ORDERED that the pretrial motions deadline be continued to August  
20 21, 2019.

21           IT IS FURTHER ORDERED that the period of time from the current trial date of July  
22 22, 2019, up to and including October 21, 2019, shall be excludable time pursuant to the 18  
23 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion  
24 is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and  
25 (h)(7)(B).

1 DATED this 16<sup>th</sup> day of July, 2019.

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4 Robert S. Lasnik  
5 United States District Judge  
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